

REMARKS/ARGUMENTS

1.) Claim Rejections – 35 U.S.C. § 101

The Examiner rejected claims 24-34 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, Examiner states that these claims are directed to signals, and since signals are energy, not matter, they constitute non-statutory subject matter. Applicant traverses the rejection. Claims 24-34 claim a computer readable storage medium having computer readable program code embodied therein. However, even assuming these claims, which claim a computer readable storage medium having computer readable program code embodied therein, constitute signals, Applicant notes that in the USPTO Guidelines for Computer-related Inventions, effective as of March 29, 1996, and set forth in section 2106 of Chapter 21 of the MPEP, provide the examination policies for computer-related inventions. In the training materials distributed by the PTO to teach the application of these guidelines, which were published on March 28, 1996, example 13 under Automotive Manufacturing Plant provides, as patentable: "A computer data signal embodied in a carrier wave comprising a compression source code segment comprising [the code]; and an encryption source code segment comprising [the code]." The example was accompanied by an analysis of the claim and the signal claim was determined to be statutory subject matter. Further, in Appeal No. 2,002-1554 in the case of *Ex parte Rice* (Application 08/003,996) the Board of Patent Appeals and Interferences (BPAI) reversed an examiner's rejection of signal claims as being directed to non-statutory subject matter under 35 U.S.C. § 101, holding that electromagnetic signals, although "transitory and ephemeral in nature," are statutory subject matter. In light of the foregoing, Applicant respectfully request that the rejection be withdrawn.

3.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1-35 under 35 U.S.C. § 103(a) as being unpatentable over Wang, et al. (US 2001/0028677) ("Wang") in view of Newson, et al. (US 6,320,898). Applicant traverses the rejection. The present invention discloses a method, and associated electronic device adapted to despread data in a RAKE receiver

by selecting delays, comprising the steps of searching a plurality of multi-paths to select a set of multi-path delays associated with the highest signal to interference ratios (SIRs) and/or power values, averaging the respective SIR values and/or power values for the multi-path delays over a time interval, selecting those multi-path delays from the set of multi-path delays and a previous set of multi-path delays that have SIR values and/or power values greater than a threshold value to generate a monitored set of multi-path delays, filtering the SIR values and/or power values associated with the monitored set of multi-path delays, eliminating at least one multi-path delay from the monitored set of multi-path delays as being correlated with another multi-path delay of the monitored set of multi-path delays to generate an output set of multi-path delays, and providing the output set of multi-path delays to a RAKE receiver.

Examiner notes that Wang discloses a method of recovering information encoded in a spread spectrum signal transmitted according to a spreading sequence in a communications medium in which a spread spectrum signal is received from the communications medium and correlated with a spreading sequence to produce a plurality of time-offset correlations. In Wang, some of the time-offset correlations may be designed to cancel out known interfering signals. A subset of the plurality of time-offsets may then be selected, and corresponding traffic correlations may then be combined using a weighted combination to estimate information encoded in the transmitted spread spectrum signal. Examiner further notes Newson discloses a CDMA base station serving a plurality of mobile stations in a plurality of sectors, adapted to monitor the reverse-link signal strength received by each antenna for each mobile station, and accordingly determine an optimum combination of antennas for forward-link transmission to each mobile station, whereby transmission to each mobile station may be accomplished with lower power.

It is Applicant's learned opinion that one skilled in the art would not have attempted to combine the cited references so as to obtain the present invention as Wang and Newson are comprised of substantially different elements having different functionalities than those disclosed and claimed in the present invention. Even though the Newson invention is very broad in scope, the only element thereof that overlaps with the present invention is the use of SIR as a metric. Further, Wang is directed to a

method to select fingers for a G-RAKE in an efficient way whereby some of the G-RAKE fingers might not coincide with a propagation channel path delay. This is entirely inapplicable to the present invention as the present invention, as claimed, is directed to the scheduling of events to update the SIR or power delay profile. The method and device elements claimed in updating the profile are not disclosed, nor suggested in Wang or Newson. In light of the foregoing, the allowance of claims 1-35 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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